

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID MCSHAN

Plaintiffs,

v.

MICHAEL J. HUNTER, *et al.*,

Defendants.

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Civil Action. 2:19-CV-710

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson


ORDER

This matter comes before the Court on the Magistrate Judge’s October 21, 2019 **Report and Recommendation** (ECF No. 18). On September 6, 2019, Plaintiff sent a letter stating he is “compelled to withdraw the suit against the defendant for now until [he] is able to sit down face to face with counsel.” (ECF No. 16). On September 10, 2019, the Magistrate Judge Jolson issued an Order informing Plaintiff that she “construes Plaintiff’s letter as a Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)” with instructions to object on or before September 20, 2019 if he disagrees. (ECF No. 17). Thereafter, Judge Jolson issued a report recommending that Plaintiff’s case be dismissed. (ECF No. 18).

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (ECF No. 18). The parties have failed to file any objections, and the deadline for objections (November 4, 2019) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. This case is **DISMISSED without prejudice**.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: April 27, 2020